



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,382	05/31/2005	Koji Sugiyama	121284	5076
25944 7590 11/25/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
MCCLEIN, GERALD				
ART UNIT		PAPER NUMBER		
3653				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,382

Applicant(s)

SUGIYAMA ET AL.

Examiner

GERALD W. MCCLAIN

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed 9 September 2008 has been entered.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stier (WO 99/47362 A1).

Claims 1 and 16: printer (abstract); package member (20); sheet package (10); flap member (18); first fastening member (38); first side (24); second fastening member (36); second side (22); topside of the package member (24); (Regarding the Claim 16 (and 17), see MPEP § 2115, "Material Or Article Worked Upon Does Not Limit Apparatus Claims");

Claim 2: flap member (18); portion of the package member (26);

Claim 3: package member (20); portion (26); prescribed part (32);

Claim 4: package member (20); tongue part (18); portion of the package member (26); pressing member (page 2, line 15); roller (Claims 8/10); printer (abstract); (Note: since there is a roller, the pressing member either may directly push the sheets, or the roller may press the sheets against the pressing member that is in static position (reactive force).)

Claim 5: package member (20); first cut (36); second side (22); portion of the package member (26);

Claim 6: package member (20); second cut (38); first side (24); portion of the package member (26);

Claim 7: second cut (38); tongue part (18);

Claim 8: package member (20); sheet packages (10); part of the package member (26); first cut (24); (Note: packages "can be" connected together in at least a lateral aligned state.)

Claim 9: package member (20); wrapping part (40/42); part of an outside of the tongue part (area of 24 near 40/42); tab (40A);

Claims 10 and 17: printer (abstract); package member (20); sheet package (10); base (24); flap part (26); tongue part (18); first wrapping part (40A); second wrapping part (40B); topside of the package member (24);

Claim 11: crease (34); flap part (26); base (24); package member (20);

Claim 12: tongue part (18); base (24); flap part (26);

Claim 13: base (24); cut (38); flap part (26); sheet package (10);

Claim 14: tongue part (18); cut (36); flap part (26).

Claim Rejections - 35 USC § 103

Claim 15, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Stier in view of Ishiduka (US 6,217,019) ("Ishiduka"). Stier discloses:

Claim 15: printer (abstract); package member (20); recloseable flap member (18); joining part (40A/40B); first fastening member (38); first side (24); second fastening member (36); second side (22); topside of the package member (24).

Stier does not directly show an indicator part or a window of the printer.

Ishiduka shows a similar device having an indicator part (29a) and a window of the printer (44; Note: 35 is part of the printer) for the purpose of reading the paper information from a bar code (column 6, lines 23-24). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Stier as taught by Ishiduka and include Ishiduka's similar device having an indicator part and a window of the printer for the purpose of reading the paper information from a bar code.

Response to Arguments

Applicant's arguments filed 9 September 2008 have been fully considered but they are not persuasive.

Regarding the topside of the package member completely covering the sheets at a downstream portion, see MPEP § 2115, "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." Therefore, the expression of the topside of the package member completely covering the downstream portion of the **sheets** (contents) is "of no significance in determining patentability of the apparatus claim."

However, *in arguendo*, the package member does completely covering the sheets at a downstream portion since (1) there is a downstream portion of the sheets that is completely covered by the topside of the package member since the downstream portion of the sheets is not defined or (2) a sheet or all the sheets may be short enough to be covered completely by the topside of the package member.

Conclusion

Applicant's amendment (topside of the package member) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is

(571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain
Examiner
Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653